

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT GRAY, Administrator, et al

vs.

C.A. No. 04-312 L

JEFFREY DERDERIAN, et al

DEFENDANT THOSE UNDERWRITERS AT LLOYD'S LONDON
SUBSCRIBING TO POLICY NO. 05409
ANSWER TO PLAINTIFFS' COMPLAINT

Now comes defendant Those Certain Underwriters at Lloyd's, London subscribing to Policy No. 05409 (hereinafter "defendant") hereby provides an answer to plaintiffs' complaint as follows:

PARTIES

PLAINTIFFS

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraphs 1-226 of Plaintiffs' Complaint, and, therefore, leaves Plaintiffs to their proof.

GENERAL ALLEGATIONS AS TO ALL DEFENDANTS

271. Defendant denies the allegations set forth in Paragraph 271 of Plaintiffs' Complaint.

272. Defendant restates its responses to all prior paragraphs of Plaintiffs' Complaint as if fully set forth herein.

273-279. As to Paragraphs 273-279 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein, and, therefore, denies same.

COUNTS I-LIX, COUNTS LX-LXIV

As to Paragraphs 280, 282, 287, 289, 294, 296, 300, 302, 308, 310, 316, 318, 324, 326, 332, 340, 342, 348, 350, 356, 358, 364, 366, 372, 374, 385, 393, 402, 408, 425, 427, 429, 431, 436, 438, 444, 450, 456, 458, 464, 466, 472, 481, 486, 492, 497, 502, 507, 511, 516, 520, 525, 530, 535, 537,

542, 547, 550, 553, 565, 570, 576, 578, 580, 590, 596, 598, 600 and 606 of Plaintiffs' Complaint, Defendant restates its responses to all prior paragraphs of Plaintiffs' Complaint as if fully set forth herein.

As to Paragraphs 281, 283-286, 288, 290-293, 295, 297-299, 301, 303-307, 309, 311-315, 317, 319, 320-323, 325, 327-331, 333, 334-339, 341, 343, 344-347, 349, 351, 352-355, 359-363, 365, 367-371, 373, 375-384, 386, 387-392, 394-401, 403-407, 409-424, 426, 428, 430, 432-435, 437, 439-443, 445-449, 451-455, 457, 459, 460, 461, 462, 463, 465, 467, 468-471, 473-480, 482-485, 487-488-489 490 491 493 494 495 496 498-501, 503-506, 508-510, 512-515, 517-519, 521-524, 526-529, 531-534, 536, 538-541, 543-546, 548, 549, 551, 552, 554-564, 566-569, 571-575, 577, 579, 581, 595, 597, 599. 601-605, and 607-610 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein, and therefore, denies same.

UNNUMBERED COUNT

582. Denied.

583. Denied.

584. Defendant neither admits nor denies the allegations of paragraph 584 but leaves plaintiffs to their proof thereof of plaintiff's complaint.

585. Denied.

586. Denied.

587. Denied.

589. Denied.

COUNT LX

591. Denied.

WHEREFORE, Defendant demands judgment against Plaintiffs for costs.

FIRST AFFIRMATIVE DEFENSE

Defendant states that Plaintiffs' claims against Defendant are barred because damages or losses experienced, if any, were not due to any act or failure to act of this Defendant, but were caused solely by the acts of a third-party or parties for whose acts or failure to act this Defendant is not responsible.

SECOND AFFIRMATIVE DEFENSE

Defendant states that Plaintiffs were not in the exercise of due care, but rather the negligence of Plaintiffs contributed to or caused the injuries or damages complained of, and therefore, the recovery of Plaintiffs is barred in whole or in part, or is subject to diminution.

THIRD AFFIRMATIVE DEFENSE

Defendant states that if Plaintiffs prove that Plaintiffs were injured as alleged, said injuries were caused by the intervening and/or superseding acts of third persons for whom this Defendant is not liable.

FOURTH AFFIRMATIVE DEFENSE

Defendant pleads insufficiency of service of process.

FIFTH AFFIRMATIVE DEFENSE

Defendant pleads lack of personal jurisdiction.

SIXTH AFFIRMATIVE DEFENSE

Defendant pleads lack of subject matter jurisdiction.

SEVENTH AFFIRMATIVE DEFENSE

Defendant pleads R.I.G.L. §27-8-15.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiffs' complaint fails to state a cause of action as against this defendant in that the defendant owed no duty to the plaintiffs under the circumstances.

DEFENDANT CLAIMS A TRIAL BY JURY

CERTAIN UNDERWRITERS AT LLOYD'S LONDON
BY ITS ATTORNEYS,



Mark P. Dolan, Esq. #3280

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Providence, RI 02903

(401) 272-8800

CERTIFICATION

A true and accurate copy of the within document has been mailed to the Station Fire Plaintiffs' Steering Committee (attached as Exhibit A) and counsel outlined on the Master Service List (attached as Exhibit B) on September 28, 2004.



EXHIBIT "A"

Station Fire Plaintiffs' Steering Committee:

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Exhibit B

MASTER STATION FIRE SERVICE LIST

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